

NATHANIEL HAWTHORNE
Attorney at Law/Consultant
Admitted in Ohio, Illinois and the District of Columbia

email: nateh@oh.verio.com

Express Mail

27600 Chagrin Boulevard
Suite 260
Cleveland, OH 44122
(216) 514-3336
fax (216) 514-3337

April 25, 2000

Ms. Magalie Roman Salas
Secretary
Office of the Secretary
Federal Communications Commission
445 -12th Street, S.W., Rm TW-204B
Washington, D.C. 20554

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RE: CC Docket No. 96-45, Technical Difficulties Concerning Schools and
Libraries Universal Service Support Mechanism Web Site and the Year 3
Filing Window - **Cleveland Municipal School District , Entity Number
129482**

Dear Ms. Roman Salas:

Please file, on behalf of the **Cleveland Municipal School District, Entity
Number 129482**, the enclosed Petition to Intervene in the above referenced
matter. The original and 5 copies are enclosed.

Please time stamp the extra copy and return it to me in the enclosed stamped
self addressed envelope.

Sincerely,


Nathaniel Hawthorne

cc: Sharon Webber
Deputy Director, Common Carrier Bureau

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445 –12th Street, S.W., Rm TW-204B
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RE: CC Docket No. 96-45, Technical Difficulties Concerning Schools and Libraries Universal Service Support Mechanism Web Site and the Year 3 Filing Window – Cleveland Municipal School District, Entity Number 129482, Application Nos. 190556, 190883, 191935, 193159

Dear Ms. Roman Salas:

Please consider this filing a Petition to Intervene and Request for a Specific Remedy in the above captioned matter.

We request that you make the Cleveland Municipal School District (CMSD, a 90% district with 129 buildings and 75,000 students) a party to the Federal Communication Commission's (FCC) proceeding regarding the slowness of the Schools and Libraries Division's (SLD) servers from January 14, 2000 and total failure of the SLD's servers on January 19, 2000.

This Petition to Intervene and Request for a Specific Remedy is filed in direct response to the SLD letter of March 13, 2000. That letter demonstrates that the SLD will refuse to accept CMSD's four Applications as filed within the "window". That is, filed before 11:59 p.m. EST, January 19, 2000.

The SLD strongly crusaded for electronic filing for USF funding Year 3. Exhibit A. However, the SLD did not adequately prepare for the number of schools and

libraries that would file electronically and its servers experienced technical problems as a result of usage overload. See SLD March 13, 2000 letter to the FCC. As a result of the SLD's technical problems, CMSD will be denied funding for Year 3 through no fault of its own. Id. CMSD will illustrate its specific problem.

From January 14th-18th, CMSD experienced slow SLD server response times during its data entry of its Form(s) 471. See Exhibit B, dated April 19, 2000. This documentation demonstrates that the SLD had server problems before January 19, 2000, and that the problems were not being corrected. The SLD encouraged reliance on electronic filing by stating on January 18, 2000, that "All Technical issues have been corrected." Exhibit A.

On January 17, 2000 (Martin Luther King Holiday), the SLD's servers failed even though the SLD stated that its web site would be available for on-line filers. Since the Servers were down, no data input occurred by CMSD.

The SLD experienced slow server response time before January 19, 2000, and the SLD closed its web site on January 18, 2000 at 12:00 midnight rather than at the well-publicized closing deadline of 2:00 a.m. EST. Exhibit A, page 7.

By the late afternoon on January 19, 2000, CMSD had completed its four Form 471 Applications and was reviewing its Applications on -line. Exhibit D. CMSD was set for final transmission at approximately 11:25 p.m. EST when the SLD web site totally failed. See Exhibit C email from CMSD to the SLD. A "Joint Affidavit" is Exhibit D. This Affidavit, executed January 21, 2000, illustrates that CMSD would have timely filed its four 471 Applications but for the web site failure.

Notwithstanding these problems, CMSD electronically filed its Applications a few hours later (specifically, 4 hours and 45 minutes later) on January 20, 2000, beginning at 4:45a.m. EST. Exhibits B, C, and D.

CMSD's failure to file within the window of opportunity is due completely to the SLD's failure to make adequate preparation for electronic filing that the SLD encouraged. Exhibit A illustrates this point.

Remedy: The FCC should find that CMSD's four Form 471 Applications were filed within the "filing window", and order the SLD to process CMSD's Applications. CMSD request this specific remedy by the FCC since the alternative may be an appeal from an adverse SLD decision.

The SLD has demonstrated through its March 13, 2000 position statement that it does not believe that CMSD could have entered 27 funding request into the SLD data base from 11:25 –11:59 p.m. EST. The SLD fails to recognize that CMSD had entered all data at that point in time and was only attempting to file its Applications when the SLD servers failed.

Given the SLD's position, an appeal from a denial would be inherently unreasonable given the length of time that it has historically taken the SLD and the FCC to resolve appeals. An appeal is tantamount to a funding denial for CMSD.

Sincerely,


Nathaniel Hawthorne

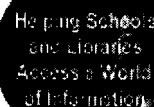
Cc: Sharon Webber

Exhibit A

[SLD Home](#)[Site Map](#)[Search Site](#)[Contact SLD](#)

What's New at SLD

Schools and Libraries Division



Helping Schools
and Libraries
Access a World
of Information

What's New?

How to Apply
Step-by-Step
Apply Online
via Home Page

Reference Area

[Vendor Area](#)[Funding Data](#)[SLD Forms](#)

November 1999

Please click on the topic below to view the most recent announcements:

- [Wave 20 for Year 2 Funding Commitments](#) (11/22/191999)
- [Form 470 Applications Filing in Year 2 for Year 3 Services](#) (11/17/191999)
- [Letter to Clients from SLD President, Kate L. Moore](#) (11/10/191999)
- [FCC Form 471 Window Opens for Year 3 Applicants](#) (11/10/191999)
- [Revised Year 3 Training Agenda](#) (11/8/191999)
- [SLD Issues Wave 18 Funding Commitments](#) (11/8/191999)
- [More Archives...](#)

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The Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) today released **wave twenty** of E-rate funding commitment letters notifying applicants that they will be receiving funding for telecommunications, Internet access, and internal connections under the FCC's universal service program. The latest wave, totaling \$75.7 million, brings the cumulative amount for the year to \$1.92 billion. Nearly 740 applicants, comprising hundreds of schools and libraries, will receive notification of the funding commitments.

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Some E-rate applicants filed Year 2 Form 470 applications for Year 3 services, in order to comply with state or local procurement laws requiring a multi-month competitive bidding process. A **text file has been provided** that features information about applicants that filed Form 470 applications for this purpose from June through October, 1999, including the USCN, the applicant name, and the applicant's state. This file is saved as a delimited text file, which can be opened using a spreadsheet application or imported into a database.

If you filed a Form 470 in Year 2 for new services in Year 3, and your name is not featured on this list, send an E-mail to comments@universalservice.org.

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November 10, 1999

Dear Clients:

The year 3 window is open!

Today the new FCC Form 471 is available to file on-line. The filing window closes January 19, 2000. I urge applicants to act quickly with respect to FCC Form 470, so that you can select your winning bidder, sign contracts for contractual services, and submit your Form 471 well before January 19, 2000.

→ Please file both forms electronically. The on-line Form 471 is, in particular, a critical tool for swift and successful processing. This year the electronic Form 471 features new, user-friendly features: ←

- it is compatible with PC and Mac platforms;
- any browser type at 4.0 and above can be used;
- many of the calculations are now automated.

Please be patient with us, however. Our help screens for this new form are still in process. We know that users will help us in finding quirks and defects. Please tell us of any technical glitches by calling our Client Service Bureau at 888-203-8100; explain in detail the problems that you may be experiencing with our new on-line product. Your clarity will facilitate rapid fixes.

Remember, even as the Form 471 filing window opens today, you will need to have posted requests for services (Form 470) for 28 days before submitting and signing your Form 471. If any needed Forms 470 are not posted by mid-December, applicants will be hard-pressed to meet the January 19, 2000 deadline for in-the-window Form 471 funding requests.

We hope that applicants and service providers alike will continue to benefit from the 28-day posting of Forms 470. Our goal is to facilitate the participation of numerous service providers so that the principle of a competitive marketplace is realized, benefiting not only service providers and their customers, but ultimately the learners in libraries and schools across this country.

Note that the design of these forms has been altered, based on the advice of our Year 3 Task Force, a group of applicants and service providers and those of you who answered our direct call for feedback. Your ideas have received the unanimous support of the Schools & Libraries Committee of the USAC Board. Note that our web site has undergone some redesign, and will continue to evolve, based on the very helpful feedback of our Customer Service Advisory Group, convened in late summer. The inclusion of a web site map, the creation of a step-by-step format for the application process, (and soon for the service provider area), and the expansion of internal links, are just some of the improvements we have launched as we listened to you, our clients. More improvements are coming.

Please *read* the information on this site. Follow the Form's instructions. Call the Client Service Bureau as needed. These tools are essential for program compliance and successful participation in the schools and libraries program.

Finally, please accept our gratitude for your wisdom, patience, and commitment to greater access to improved technologies for learning.

Sincerely,

Kate L. Moore
President
Schools and Libraries Division
Universal Service Administrative Company

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The Schools and Libraries Division (SLD) announces the opening of the FCC Form 471 filing window for Year 3 (July 1, 2000 - June 30, 2001) on Wednesday, November 10, 1999 at 7:00am EST.

The window will remain open for seventy-one (71) calendar days and will close on January 19, 2000 at 11:59pm EST. All properly completed applications received by the SLD at that time will be treated as if they arrived on the same day. Applications received by the SLD after this date will be treated on a first-come, first-served basis.

Applicants who have completed the FCC Form 470 28-day posting period, who have selected their vendors, and have executed contracts as necessary for contractual services, may begin now to file the FCC Form 471, Services Ordered and Certification Form.

The Year 3 FCC Forms 470 and 471 may be filed online (click the "Apply Online/View Forms" button on the home page) or downloaded. They are also available via mail by calling our Client Service Bureau at 888-203-8100.

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The Year 3 Training Agenda has been slightly revised. [Click here](#) to view the updated agenda.

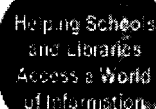
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The Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) today released wave eighteen of E-rate funding commitment letters, surpassing last year's totals in

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What's New at SLD

Schools and Libraries Division



Helping Schools
and Libraries
Access a World
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What's New?

[How to Apply
Step-by-Step](#)[Apply Online
via Home Page](#)[Reference Area](#)[Vendor Area](#)[Funding Data](#)[SLD Forms](#)

January 2000

Please click on the topic below to view the most recent announcements:

- [Certification Deadline Extended](#)
(01/25/2000)
- [REMINDER!! January 26, 2000,
11:59 PM EST Deadline for Filing
Block 6 Certifications and
Signature Page of Form 471](#)
(01/24/2000)
- [Website Letter](#) (01/20/2000)
- [All Technical Issues Have Been
Corrected!](#) (01/18/2000)
- [Spin Support for Online Filers!](#)
(01/18/2000)
- [Updated Flexibility for Using
State Master Contracts](#)
(01/15/2000)
- [Directions to the NCS facility in
Lawrence, KS for those wanting
to deliver applications in person](#)
(01/15/2000)
- [Additional Help for On-Line
Filers](#) (01/14/2000)
- [Electronic Filers Note! SLD Must
Receive Your Signed
Certification Forms by January
26!](#) (01/14/2000)
- [Update: December 15 Deadline
for Submitting BEAR Forms &
Service Provider Invoices for
Year 1](#) (01/12/2000)
- [New Flexibility for Using State
Master Contracts](#) (01/12/2000)
- [SLD Client Service Bureau Open
January 15, 16 and 17 to Assist
Applicants](#) (01/11/2000)
- [Year 2 Cumulative Funding
Commitment Data is now
Available](#) (01/10/2000)
- [New Tool To Ease Electronic
Filing](#) (01/07/2000)
- [What's New Archives...](#)

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Due to weather conditions, many overnight delivery services are unable to provide normal pick-up service today, Tuesday, January 25, 2000. Therefore, **the deadline for electronic filers for the receipt of the Block 6 Certifications and Signature page of the Form 471 has been extended to 11:59 p.m. EST on Monday, January 31, 2000.** If you filed electronically by 11:59 p.m. EST on January 19, 2000, your Block 6 Certifications and Signature page must be received by the extended deadline of 11:59 p.m. EST on January 31, 2000, in order for your application to be considered complete.

Applicants whose Form 471 certifications may not have been received, were sent a fax or email on Monday reminding them of the need to send their certifications by the deadline. Many of you called or emailed our Client Service Bureau seeking to confirm the receipt of your certification materials. To all who called or sent email inquiring about the status of your certification and Item 21 description of service(s) attachment, we offer this guidance:

1. If you have proof of delivery indicating that your materials were received by the SLD before the deadline, you do not need to do anything further.
2. If you received a fax or email from us indicating that we had not received your Form 471 Block 6 Certification and Block 5, Item 21 Service Description and if you have not yet sent the documents, you may wish to send your materials via express delivery service so that you can verify that your Block 6 Certification page was received by the SLD before the 11:59 p.m. EST deadline on Monday, January 31, 2000. The Block 6 Certifications and Signature page along with the Block 5, Item 21 Description of Service(s) attachment may be sent via express delivery services to:

- As you depart KCI airport, follow all signs that indicate I-29 North or Topeka.
- Once on I-29 North, seek out the signs for I-435 West. Make sure you stay in the right lane. Once you are on I-435 West, it will change to I-435 South: you will stay on this road for approximately 25 miles.
- Stay on I-435 West, until you see signs for K-10 (Lawrence)
- Take K-10 (Lawrence) for about 20 - 25 miles.
- Once you approach Lawrence, the speed limit will reduce to 65 mph. You will need to stay in the right lane.
- You will see a blue sign indicating East Hills Business Park, make a right into the Business Park. At the stop sign you will make a right again. You are looking for a building named NCS (National Computer Systems).
- NCS is around the curve at the bottom of the hill on the right.

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January 20, 2000

Dear School and Library Leaders, and Service Providers,

With the closing of the Year 3 filing window on January 19, SLD has received over 36,000 requests for discounts, representing a 10% increase from last year. Over 28,000 of these applications were filed successfully on-line, tripling last year's total.

These figures are a tribute to your commitment to providing better technology to learners across this nation. We thank you for your patience and perseverance, and for your suggestions for improvement. The SLD team will be working hard to provide decisions as soon as possible.

Sincerely,

Kate L. Moore
President
Schools and Libraries Division
USAC

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→ All Technical Issues have been corrected. Please start using the question@universalservice.org mail account for addressing web site issues. ←

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If you are still filing your Form 471, and are filing electronically, you must have a Service Provider Identification Number (SPIN) for each Funding Request in order to progress through the electronic form, Block 5. Filers who do not have a SPIN will receive an electronic message as they attempt to complete the form, stopping the form completion, and directing them to call the SLD Client Service Bureau (CSB) for assistance.

Please note, SPIN assistance is available for those on-line filers who have not received from their service providers their SPIN's. (Manual filers are able to provide either the service provider name or the SPIN in order to meeting minimum processing standards.) Call the SLD toll-free help line, (888) 203-8100, and SLD representatives will provide a tool for completing the form electronically. You are urged to secure the SPIN from your service provider before you begin your electronic filing, but in cases where this is not possible, the Client Service Bureau can help you work through the electronic form. Remember that CSB hours of service are 8:00AM to 8:00 PM, ET.

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6/14/2000
→ Beginning Saturday, January 14, 2000, the SLD web site will be available for on-line filers from 6 a.m. to 2 a.m. EST. These on-line filing hours will continue until Wednesday, January 19, when the web site will be available from 6 a.m. to 11:59 p.m. EST, the close of the Form 471 filing window.

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01/14/2000
→ The active use of electronic filing of FCC Forms 471 is good news for applicants and SLD alike, facilitating SLD's processing of your application once filed. We regret that system performance has slowed down in light of heavy volume, and are taking steps to rectify this performance problem. ←

On-line applicants are reminded, however, that no FCC Form 471 is complete without Block 6: a completed and signed certification form. SLD must receive your certification forms in Kansas at one of the addresses below:

If regular postal service:

SLD-Form 471
P.O.Box 7026
Lawrence, KS 66044-7026

Or, for express delivery services or U.S. Postal Service, Return Receipt Requested:

SLD-Form 471
c/o MS. Smith
3833 Greenway Drive
Lawrence, KS 66046
1-888-203-8100

Applicants must also submit at either of the above addresses on paper the item 21 attachments for the electronically filed Form 471.

→ Recognizing that on-line system performance has been slow, and in order to facilitate on-line filing, Block 6 certifications from Forms 471 which have been COMPLETED on-line by the closing of the window, 11:59PM, EST, Wednesday, January 19, may be mailed once the electronic filing is complete. Such certifications must, however, be RECEIVED by SLD no later than January 26, 11:59 PM, EST. ←

On Block 6, the certification form, you must provide an original signature, in ink, of the authorized person. Make sure your printer has, on Block 6, successfully printed the system-generated application number for the Form 471 which is being certified. The application number is the critical link to the electronic form in the SLD computer system.

If the certification block for an electronically completed Form 471 filed by January 19 is not received by January 26, the funding request will be considered as having been received the date the certification is finally received by SLD.

SLD urges on-line filers to complete their applications as soon as possible. The Client Service Bureau will be open twelve hours a day over the weekend to help you, and web site hours are being extended.

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Please note that the December 15, 1999, deadline for submitting Billed Entity Applicant Reimbursement (BEAR) forms and Service Provider Invoices for Year One (1998-1999) has passed. Although the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) will still accept BEARs or invoices for Year One commitments, please be aware that we do have an absolute deadline for USAC to make payments. While we will make every attempt to process your BEAR or invoice, we cannot promise that they will be paid. Each day beyond the December 15 deadline increases the risk that your payment may not be fully processed.

The only exceptions to the statement above are those applicants with funding commitments for non-recurring services, such as the installation of internal connections, that fall into one of the following categories:

- you will NOT be eligible for discounts for the replacement Master Contract for the remainder of the program year.
2. You will indicate the request for a SPIN change (replacing the service provider designation State Replacement Contract with the name of the actual vendor who has been awarded the replacement Master Contract) by marking up the relevant pages from your Funding Commitment Decision Letter (FCDL) and indicating on the appropriate Funding Request Number (FRN) the actual service provider name, SPIN, the state's Form 470 Application Number, the replacement contract number and the ACTUAL expiration date of the replacement contract.
 3. You must SIGN and date the marked up page(s) of the FCDL. Return it to the SLD by mail to (SLD, State Replacement Contracts, P.O. Box 125, 80 Jefferson St., Whippany, NJ 07981).
 4. You will receive notice when the SPIN change has been made.
 5. Once you receive notification that the SPIN change has been made, you can submit a Form 486 for this FRN(s) using the new contract information.
 6. In subsequent program years when you file a Form 471, you will reference the state's Form 470 application number, as the establishing Form 470 for this replacement Master Contract.

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01/10/2000
In order to assist applicants as we near the end of the Form 471 filing window, the Client Service Bureau will be open this weekend, January 15 and 16, from 8 a.m. to 8 p.m. EST. In addition, the Client Service Bureau will also be open from 8 a.m. to 8 p.m. EST on Monday, January 17. For additional help with your applications, you can reach the Client Service Bureau Help Line by calling 1-888-203-8100.

Remember, the closing date of the Form 471 window is January 19, 2000, at 11:59 PM EST.

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Cumulative Funding Commitment Decision Data is now available for Year 2. Reports are available in PDF format and text delimited files which have been compressed to a zip file. Instructions are available online to help you **decide which report you need** and **downloading reports**.

- **Year 2 Cumulative Funding Commitment Decision Data**

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To help applicants who represent school districts, Form 471, Block 4 has been redesigned to eliminate the need to redundantly execute the search for schools by school districts. An applicant may now search for ALL schools in a school district. From the resulting list, the applicant can add the necessary data to each selected school. (Previously, the applicant had to re-execute the search after addition of data for a given school.) [Read More...](#)

[PREVIOUS PAGE](#)

What's New Archive

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1998: No data available | [Apr](#) | [May](#) | [Jun](#) | [Jul](#) | [Aug](#) | [Sep](#) | [Oct](#) | [Nov](#) | [Dec](#)

Questions about the SLD Program? Call our Client Service Bureau at (888) 203-8100.

Please direct site questions and comments to: comments@universalservice.org

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EXHIBIT B

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**Cleveland Municipal
School District**Education
Cleveland's
Children**Clifford E. Cox**
Executive Director
Management Information Services1380 East Sixth Street, Cleveland, OH 44114 • 216.858.1312 • Fax 216.574.6251 • www.cmsdnet.net**Barbara Byrd-Bennett**
Chief Executive Officer**Myrna Elliott-Lewis, Ed.D.**
Chief Academic Officer**Louis J. Erste**
Chief Operating Officer**Erbert Johnson**
Chief Financial Officer**Lisa Marie Ruda**
Chief Legal Counsel**William W. Wendling**
Chief Communications Officer

April 19, 2000

Schools and Libraries Division
Box 125 – Correspondence Unit
80 S. Jefferson Road
Whippany, NJ 07981**URGENT REQUEST**

After viewing the E-rate Year 3 Wave 1 award postings on your website last night and speaking to your Client Service Bureau this afternoon, I am concerned about the status of our Form 471 funding request applications. As of this writing, we have not received any written correspondence from the Schools and Libraries Division confirming receipt of our Forms 471. Therefore, per the recommendation of your Client Service Bureau, I am forwarding this inquiry. For your information, our working name under which all applications are filed is the Cleveland City School District.

To summarize my concerns, my staff and I entered our District's Forms 471 online, which is your recommended method, and then encountered serious technical difficulties with your equipment. These technical problems prevented us from completing our entire application process by your January 19th, 2000, 11:59 P.M. filing deadline. Once your website/server began accepting applications again, we completed our application process at 5:45 A.M.

To summarize the sequence of events and our follow-up efforts to rectify the situation:

January 14th-18th, we began experiencing slow server response times during our initial data entry of our Forms 471.

January 19th, approximately 11:25 P.M. we realized that the SLD server was not responding, and began attempts to identify the source of the problem as remote or local.

January 19th, approximately 11:30 P.M., we isolated the problem to the remote SLD website/server, which was not responding. We continued to attempt to access the server.

Schools and Libraries Division

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January 19th, at 11:55 P.M., as the server access problems continued, we elected to fax our application numbers to the SLD Client Service Bureau.

January 20th, approximately 5:45 A.M., our applications were electronically filed when the SLD website/server system resumed accepting input.

January 20th, 8:00 A.M., when the SLD Client Service Bureau opened, we phoned and spoke with Mr. Corey King, who took a message of what had happened and stated it would be forwarded to his supervisor, Mr. Larry Phillips.

January 21st, we spoke with Mr. Phillips who stated that the SLD Client Services Bureau received a number of requests due to server failure. He verified that the SLD received our faxed application numbers and verbally verified the numbers with me. Larry also requested a complete description of the error. Mr. Phillips stated, "Your request, along with many others, were forwarded to the SLD in Washington, who is reviewing the matter with the FCC. The FCC will make a decision and advise the affected school districts".

Our signed certifications, all service request attachments, a signed and notarized affidavit of what happened on January 19th, a printout of the error messages, along with a letter from the Chief Executive Officer of the Cleveland Municipal School District, Ms. Barbara Byrd-Bennett, were received by the SLD on January 26th, before the deadline.

I have included that entire package for your review.

Our last follow up call to the SLD was on February 2nd. We were advised that the FCC is reviewing all requests on a case-by-case basis and that the District would be notified once a decision is reached.

The Cleveland Municipal School District has seventy-five thousand (75,000) students. Most of them are minorities and economically disadvantaged. The District's educational programs rely heavily upon funding supplied through the SLD. We are concerned that a less than

Schools and Libraries Division

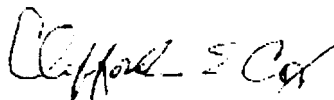
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timely response to this inquiry will result in the funds being depleted prior to your approval of our applications.

We are hopeful that technical problems on the part of the SLD do not disenfranchise the children of the City of Cleveland.

We appreciate a response within five (5) business days.

Sincerely,

A handwritten signature in black ink, appearing to read "Clifford E. Cox". The signature is written in a cursive, somewhat stylized script.

Clifford E. Cox
Executive Director
Management Information Services

EXHIBIT C



Clifford Cox

01/20/00 10:12 AM

To: 'comments@universalservice.org'

cc: Dion R Nolcox/CMSD@CMSD, Theresa Williams/CMSD@CMSD, Louis J. Erste/CMSD@CMSD

Subject:

Thursday January 20, 2000

Dear Sirs:

At approximately 11:30pm on Wednesday January 19, 2000, the SLD web site stopped responding to users. At this point in time, the Cleveland Municipal School District (CMSD) (Entity Number 129482), had completed its entry of its four 471's, had completed its review of the forms and was set for final transmission of the documents. Three persons at CMSD continuously tried to contact the SLD website from approximately 11:30pm until 12:00 midnight.

We also tried calling the SLD telephone number and received a recorded message. In desperation, we faxed the cover sheet of each of our pending 471's to the SLD offices.

The SLD had indicated that its web site would be available for transmission of 471's until 11:59 pm on Wednesday January 19, 2000. The problems of the SLD website caused the SLD to fall in this commitment and consequently, CMSD was unable to transmit its final 471's by 11:59pm. However all four 471's was sitting in the SLD database waiting for final transmission.

The CMSD continued to attempt completion of its four 471's until 2:30 am Thursday January 20, 2000. Attempts to transmit was resumed at 4:45 am Thursday January 20, 2000. These attempts continued until successful transmission of all 471's was completed by 7:00 am Thursday January 20, 2000.

We are requesting acceptance of the four 471's since the failure to transmit by the 11:59 pm deadline was the result of technical problems at the SLD Website.

Clifford E. Cox
Executive Director for MIS
Cleveland Municipal School District
(216) 432-4640
coxcl@cmsdnet.net

cc: Barbara Byrd-Bennett, CEO, Cleveland Municipal School District
Louis J. Erste, Chief Operating Officer, Cleveland Municipal School District

Exhibit D

JOINT AFFIDAVIT

State of Ohio)
)
County of Cuyahoga)


Clifford Cox and Dion Nolcox, staff of the Cleveland Municipal School District, being first duly sworn, depose and say the following:


1. We are staff of the Cleveland Municipal School District;
2. As part of our assignment, we have worked on the 3rd year e-rate Application, FCC Form 471, for the last several months;
3. On January 19, 2000, at approximately 11:20 p. m. we were finalizing Cleveland's Form 471 Application(s) when we experienced technical difficulties with the SLD web site, www.sl.universalservice.org; this problem persisted past the filing deadline of 11:59 p.m. EST, January 19, 2000.
4. This difficulty was experienced on three (3) separate PCs utilizing two different ISPs;
5. We attempted to file the completed 3rd year 471 Application(s). however we received several error messages that prevented us from electronically filing our Application(s);

6. The error message: "Firewall Error. Failed to connect to server. 204.76.13.135."

7. As a result of the technical difficulty that the SLD was experiencing with the SLD web site, the Cleveland Municipal School District filed its Form 471 Application(s) on January 20, 2000 at 5:45 a.m.

FURTHER AFFIANTS SAYETH NAUGHT



Clifford Cox


Dion Nolcox

SWORN TO BEFORE ME and subscribed in my presence this 21st day of
January, 2000.



Theresa Williams
Notary Public State of Ohio
Commission expires September 26, 2001



Cleveland Municipal School District

A Commitment to Action

Barbara Byrd-Bennett
Chief Executive Officer

January 21, 2000

SLD - Form 471
C/O Ms. Smith
3833 Greenway Drive
Lawrence, KS 66046

Dear Ms. Smith:

Cleveland's Application 3rd year Form 471 must be accepted as filed within the SLD mandated window. Cleveland's Application was electronically filed on January 20, 2000 at 5:45a.m. The District was prevented from filing on January 19, 2000, due to the following SLD created problems. The District received error messages from the SLD server at approximately 11:20 p.m. on January 20, 2000. The error messages from the SLD server were:

Failed to connect, host 204.76.13.135 could not be contacted. If this persists, you should contact the administrator of the remote site.

"Microsoft OLE DB Provider for ODBC Drivers error '80004005'
[Microsoft] [ODBC driver for Oracle] [Oracle] ORA-12203: TNS: unable
to connect to destination.

/FY3_Format471/FY3_Criteria_471ContValid.asp,line 113"

Also, I have attached a printout of an error message (highlighted) that was retrieved. The difficulty with accessing and or remaining on the SLD web site was witnessed by three staff members of the Cleveland Municipal School District (See Attached Affidavit).

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January 24, 2000
SLD - Form 471

Although the SLD encouraged electronic filing, problems with your web site began much earlier. Basically, several days before the filing, as we input data on line, the server was extremely slow.

Therefore, it is Cleveland's position that its application was timely filed.

Sincerely,



Barbara Byrd-Bennett
Chief Executive Office

BBB:jc

Attachments:

Affidavit

All attachments to Form 471

Evidence of error messages